

### **REMARKS**

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-20 are pending in the application and stand rejected.

Claims 1, 12, 13 and 20 have been amended.

Claims 1, 13 and 20 are independent claims.

Claims 11 and 15 have been cancelled, without prejudice and applicant reserves the right to re-prosecute the subject matter claimed therein during the pendency of the instant application.

Claims 1-7 and 11-12 stand rejected under 35 USC 101 as being directed to non-statutory subject matter. The Office Action states that the claims are directed to a user interface description generating apparatus which may be interpreted to be purely software per se where the subsequent limitations are simply components of that software.

Applicant respectfully disagrees with and explicitly traverses the rejection of claims 1-7 and 11-12. However, applicant has elected to amend independent claim 1 to further recite a "central processing unit and at least a memory including a computer program for instructing the processing unit." No new matter has been added. Support for the amendment may be found at least on page 5, lines 5-10.

Claim 1 now recites an apparatus that is embodied in a tangible structure.

For the amendments made to the claims, applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

Claims 1, 2, 4-6, 8-10, 13, 14, 16 and 18-20 stand rejected under 35 USC 103(a) as being unpatentable over Tomm (USP no. 6, 246, 403) in view of Tran (USP no. 6, 054, 990), which are two references cited in applicant's specification. In rejecting the claims, the Office Action refers to Tomm as disclosing a method for creating a GUI based on drawings (see col. 1, lines 40-56). The Office Action acknowledges that Tomm fails to provide any teaching regarding "the inner workings of using a sketch recognition method for input" and refers to Tran for teaching a sketch identifier, and a sketch normalizer.

Applicant respectfully disagrees with and explicitly traverses the rejection of the aforementioned claims.

Tomm teaches a text based system for generating a GUI primarily because of a number of problems or disadvantages that exist in graphic based system for the generation of a GUI. One disadvantage that Tomm discloses is that GUIs developed with graphic based systems are "difficult to modify. Once the GUI has been created, the drawings program normally cannot be used to modify the GUI. Rather, the GUI file created with the drawing program must be modified in order to modify to [sic] GUI. Since the GUI file created with the drawing program normally is not in a form that is easily readable by humans, modifying a GUI created in this manner can be extremely arduous task." Another disadvantage of using these types of drawing programs to create GUIs is that they are usually designed to be implemented with a particular windowing system and are not adapted to be used with multiple types of windowing system." (see col. 1, lines 31-55).

While the Office Action refers to Tomm teaching graphic based system to provide a motivation to incorporate the teachings of Tran, applicant submits that Tomm specifically teaches away from using such systems for the reasons recited. Hence, there can be no motivation for one skilled in the art to refer to the Tran reference after reading the Tomm reference to incorporate a graphic based system into the Tomm text based system as Tomm explicitly discourages the use of graphical based input systems.

Hence, the combination of Tomm and Tran is a combination that would not flow from teachings of Tomm and the knowledge of those skilled in the art as Tomm explicitly discourages the incorporation of a graphic based input system into his disclosed text-based system for the generation of a GUI.

However, notwithstanding the above argument, applicant has amended independent claims 1, 13 and 20 to further recite "said hierarchy reflecting a stacking order based on at least one of an annotation to a sketched version of an object in said sketch, a containment of un-annotated objects within objects and data types of un-annotated objects, wherein said annotation indicates a priority for the annotated object and said un-annotated objects are recognized to obtain a priority of the containing object." No new

matter has been added. Support for the amendment may be found on page 6, lines 1-7 and cancelled claim 11.

As the subject matter claim 11 was rejected citing reference to the Alexander reference (which is addressed below), applicant submits that the reason for the rejection of the aforementioned claims has been overcome as the combination of Tomm and Tran fails to recite a material element recited in the amended claims.

Claim 7 stands rejected under 35 USC 103(a) as being unpatentable over modified Tomm [modified by Tran] in view of Carroll (USPPA 2002/0085020).

With regard to claim 7, this claim depends from claim 1, and, as shown, the combination of Tomm and Tran fails to show a material element recited in amended claim 1, applicant submits that the reason for the rejection of claim 7 has been overcome.

Claims 11, 12, 15 and 17 stand rejected under 35 USC 103(a) as being unpatentable over modified Tomm [modified by Tran] as applied to claims 1, 13 and 16 above and further in view of Alexander (USP no. 6,118,451).

With regard to the rejection of the aforementioned claims, the Examiner refers to Alexander for teaching a z-order that "identifies the order of the displayed dialog boxes as they are layered on the display screen. This identifies which dialog box is visible over the other displayed dialog boxes if any..." (see col. 24, lines 44-49). Alexander further teaches that child dialog boxes have the same identification as the parent identification. (see col. 25, lines 2-25).

However, Alexander fails to disclose that the child dialog boxes are not annotated nor that a stacking order may be determined based on a data type.

A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

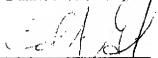
In this case, a *prima facie* case of obviousness has not been made as each of the

elements recited in the claims is not disclosed by the combination of Tomm, Tran and Alexander.

For the amendments made to the claims and for the remarks made herein, applicant submits that all the objections and rejections have been overcome and that the claims are in a condition for allowance. It respectfully requested that a Notice of Allowance be issued.

Should the Examiner believe that the disposition of any issues arising from this response may be best resolved by a telephone call, the Examiner is invited to contact applicant's representative at the telephone number listed below.

Respectfully submitted,  
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